

# EXHIBIT 1

Thurgood Marshall U.S. Courthouse 40 Foley Square, New York, NY 10007 Telephone: 212-857-8500

## MOTION INFORMATION STATEMENT

Docket Number(s): 15-2844-bk; 15-2847-bk, 15-2848-bk

Caption [use short title]

Motion for: Redesignation as Creditors-Appellees-  
Cross-AppellantsElliott, et al. v. General Motors LLC, et al. (In re  
Motors Liquidation Co., et al., f/k/a General Motors  
Corp., et al.)

Set forth below precise, complete statement of relief sought:

The Participating Unitholders seek to have  
their designation changed from "Creditors-  
Appellees" to "Creditors-Appellees-Cross-  
Appellants."

MOVING PARTY: Participating Unitholders

☐ Plaintiff☐ Defendant☐ Appellant/Petitioner☒ Appellee/Respondent

OPPOSING PARTY: See Attachment A

MOVING ATTORNEY: Deborah Newman

OPPOSING ATTORNEY: See Attachment A

[name of attorney, with firm, address, phone number and e-mail]

Akin Gump Strauss Hauer &amp; Feld LLP

One Bryant Park, New York, New York 10036

(212) 872-7481; djnewman@akingump.com

Court-Judge/Agency appealed from: U.S. Bankruptcy Court for the Southern District of New York/Judge Robert E. Gerber

## Please check appropriate boxes:

Has movant notified opposing counsel (required by Local Rule 27.1):



Yes



No (explain):

Opposing counsel's position on motion:



Unopposed



Opposed



Don't Know

Does opposing counsel intend to file a response:



Yes



No



Don't Know

FOR EMERGENCY MOTIONS, MOTIONS FOR STAYS AND  
INJUNCTIONS PENDING APPEAL:

Has request for relief been made below?



Yes



No

Has this relief been previously sought in this Court?



Yes



No

Requested return date and explanation of emergency:

Is oral argument on motion requested?



Yes



No

(requests for oral argument will not necessarily be granted)

Has argument date of appeal been set?



Yes



No

If yes, enter date:

Signature of Moving Attorney:

/s/ Deborah J. Newman Date: 10/05/2015

Service by



CM/ECF



Other [Attach proof of service]

**ATTACHMENT A**

**COUNSEL FOR OTHER PARTIES**

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<p><i>Counsel for Elliott, Sesay, Summerville, and Bledsoe Plaintiffs</i></p>	<p>New York, NY 10018  Telephone: 212-813-8800  Email: weintraub@goodwinprocter.com  Email: gfox@goodwinprocter.com</p> <p><i>Counsel for Ignition Switch Pre-Closing Accident Plaintiffs</i></p>
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No. 15-2844

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**IN THE UNITED STATES COURT OF APPEALS  
FOR THE SECOND CIRCUIT**

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IN RE: MOTORS LIQUIDATION COMPANY,  
*Debtor,*

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IGNITION SWITCH PLAINTIFFS,  
IGNITION SWITCH PRE-CLOSING ACCIDENT PLAINTIFFS,  
*Appellees,*

CELESTINE ELLIOTT, LAWRENCE ELLIOTT, BERENICE SUMMERVILLE,  
*Appellants-Cross-Appellees,*

GROMAN PLAINTIFFS  
*Appellees,*

GENERAL MOTORS LLC,  
*Appellee-Cross-Appellant,*

WILMINGTON TRUST COMPANY,  
*Appellee-Cross-Appellant,*

PARTICIPATING UNITHOLDERS,  
*Creditors-Appellees.*

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**PARTICIPATING UNITHOLDERS' UNOPPOSED MOTION FOR  
REDESIGNATION AS CREDITORS-APPELLEES-CROSS-APPELLANTS**

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ON APPEAL FROM THE UNITED STATES BANKRUPTCY COURT  
FOR THE SOUTHERN DISTRICT OF NEW YORK

Daniel H. Golden  
Deborah J. Newman  
AKIN GUMP STRAUSS HAUER & FELD LLP  
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New York, New York 10036

*Counsel for the Participating Unitholders*

## **CORPORATE DISCLOSURE STATEMENT**

Each Participating Unitholder is a limited partnership with no parent corporation, and no publicly held corporation owns a 10 percent or greater interest in any of the Participating Unitholders.

The Participating Unitholders, Creditors-Appellees, in the above-captioned proceeding, respectfully submit this Unopposed Motion for Redesignation as Creditors-Appellees-Cross-Appellants.<sup>1</sup> To properly align the parties and avoid confusion in the record, the Participating Unitholders respectfully request the Court to redesignate them as cross-appellants in addition to the Participating Unitholders' current designation of Creditor-Appellees.

The Motors Liquidation GUC Trust (the “GUC Trust”) was established pursuant to Old GM’s chapter 11 plan. The Participating Unitholders are holders of beneficial interests in the GUC Trust; the Wilmington Trust Company acts as the trustee for and administrator of the GUC Trust. On June 15, 2015, the Participating Unitholders and Wilmington Trust Company jointly filed a Notice of Cross-Appeal [ECF 13204] in the Bankruptcy Court from the Bankruptcy Court’s judgment (the “Judgment”) entered on June 1, 2015 [ECF 13177]. On September 9, 2015, this Court granted certain parties’ petitions, pursuant to 28 U.S.C. § 158(d)(2), for leave to appeal directly to this Court from the Judgment. Wilmington Trust Company was among those parties seeking leave to appeal directly to this Court; the Participating Unitholders were not (*see* Document 7-1; Case No. 15-2844).

Nevertheless, as a result of this Court’s order granting a direct appeal from the

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<sup>1</sup> The other parties to these proceedings do not oppose the relief sought by the Participating Unitholders in this Motion—designating and treating the Participating Unitholders as appellees and cross-appellants in these proceedings. The Ignition Switch Plaintiffs, the Ignition Switch Pre-Closing Accident Plaintiffs, the Groman Plaintiffs, Celestine Elliott, Lawrence Elliott, Berenice Summerville and the other parties, however, do not take any position as to the representations or arguments made in these Motion papers.



Judgment, all appeals of the Judgment, including the Participating Unitholders' cross-appeal, will be heard by this Court.

The Participating Unitholders along with Wilmington Trust Company have been properly designated as Appellees in this proceeding. However, because Wilmington Trust Company petitioned this Court for a direct appeal, Wilmington Trust Company is also designated as a cross-appellant. The Participating Unitholders noticed their cross-appeal jointly with Wilmington Trust Company, and the Participating Unitholders' cross-appeal will be heard by this Court.<sup>2</sup>

This Court's Rules provide that "designations may be modified by the parties' agreement . . . ." Fed. R. App. P. 28.1(b). The undersigned have conferred with counsel for all other parties to these proceedings, as well as counsel for the proposed intervenors, State of Arizona , People of the State of California, Sesay Plaintiffs, Bledsoe Plaintiffs, and Groman Plaintiffs, and confirmed that these parties agreed to the relief sought in the present Motion. Counsel for the other parties take no position as to any of the argument or representations in this Motion. Further, the rules governing this proceeding provide that "designations may be modified . . . by court order." Fed. R. App. P. 28.1(b).

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<sup>2</sup> In order to avoid unnecessary duplication, wherever possible, the Participating Unitholders anticipate filing briefs in this appeal jointly with Wilmington Trust Company.

Accordingly, in order to properly align the parties and avoid confusion in the record, the Participating Unitholders respectfully request that they be designated as cross-appellants along with Wilmington Trust Company.

## CONCLUSION

For the forgoing reasons, the Participating Unitholders respectfully request that this Court enter an Order redesignating them as Creditors-Appellees-Cross-Appellants on this appeal.

Dated: October 5, 2015

Respectfully Submitted,

AKIN GUMP STRAUSS HAUER &  
FELD LLP

By: /s/ Deborah J. Newman

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